IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Crl.Rev.Pet.No. 1791 of 2002()

CRA.96/1997 of SESSIONS COURT, MANJERI
CC.543/1995 of JUDL.MAGISTRATE OF FIRST CLASS-II(FOREST OFFENCES), MANJERI

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REVN. PETITIONER:

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1. SULAIMAN, S/O.MUHAMMED,VAZHIKKADAVU,
   ERANAD P.O., MALAPPURAM DISTRICT.

2. ABBU, S/O. CHANGARAYI MAMMED,
   VAZHIKKADAVU, ERANAD P.O., MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS:

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1. THE DEPUTY RANGE OFFICER,
   NELLIKKUTHU FOREST STATION,
   NILAMBUR, MALAPPURAM DISTRICT.

2. THE STATE OF KERALA,
   REP. BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.9570/2002 IN CRL.R.P.NO.1791/2002

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

13/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.1791 of 2002-C

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Dated this the 13th day of November, 2007

O R D E R

The revision petitioners are the accused in C.C.No.543/1995 in the file of the Judicial Magistrate of the First Class-II (Forest Offences), Manjeri, with respect to the offences under Sections 27 (1)(e)(iii) & (iv) of the Kerala Forest Act and sentenced to undergo rigorous imprisonment for three years each and to pay a fine of Rs.2,000/- each and in default to undergo simple imprisonment for one month each for each of the offences.

2. The counsel for the revision petitioners has only sought for modification of the sentence. It is submitted that the allegation is that the accused were found cutting a fallen tree in the reserve forest. It is further submitted that the incident is dated 09/08/1994 and that so many years have elapsed and the accused were facing the criminal proceedings so far and that virtually no loss have been sustained to the Government and that the earnings of the accused are the sole means of livelihood of their families. In the circumstances and considering the long lapse of time, the sentence imposed for the offence under Section 27(1)(e)(iii) of the Kerala Forest Act is modified to imprisonment till the

rising of the court and to pay a fine of rupees five thousand each and in default to undergo simple imprisonment for two weeks each and also to remit a compensation of rupees twenty thousand each and in default to undergo simple imprisonment for six months each. No separate sentence is awarded for the offence under Section 27(1)(e)(iv) of the Kerala Forest Act. The revision petitioners/accused are granted three months time to remit the fine and compensation amounts. They shall appear before the Judicial Magistrate of the First Class-II (Forest Offences), Manjeri, on 14/01/2008 to receive the sentence. The criminal revision petition is disposed of as above.

Sd/-

K.R.UDAYABHANU,
Judge

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